

CHAPTER 1
ANIMAL CONTROL
ARTICLE B. EQUINES

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5-1B-1: **PURPOSE:** The purpose and intent of this article is to allow equines in residentially zoned districts and to ensure proper handling, care, and treatment of equines. (Ord. 207, 3-18-1997)

5-1B-2: **DEFINITIONS:**

EQUINE: Any ass, burrow, donkey, foal, gelding, horse, mare, mule, pony or stallion.

FOAL: An equine which has not reached the age of one year.

PARCEL: A designated lot, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

PUBLIC HEARING: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak and participate.

PUBLIC HEARING

NOTICE: An advertisement of a public hearing in the city's official newspaper, and through other media sources, indicating the

time, place and nature of the public hearing.

**PUBLIC
PROPERTY:**

Land owned or operated by municipal, school district, county, state or other governmental units.

REAR YARD:

The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

STRUCTURE:

Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, and meets State Building Code requirements. (Ord. 207, 3-18-1997; amd. 2003 Code)

5-1B-3: EQUESTRIAN COUNCIL:

- A. Council Established; Purpose: The City Council hereby authorizes the establishment of an Equestrian Council to assist the Planning and Zoning Department, to resolve and investigate complaints from those aggrieved by equines, to advise equine owners against whom complaints have been lodged, and to recommend to the City Council appropriate action.
- B. Composition: The Equestrian council shall consist of seven (7) members who are residents of the city. Members shall include, when possible, a representative of an equine oriented association or club and a veterinarian.
- C. Appointment; Terms Of Office: Members of the Equestrian Council are appointed by the City Council, and initially, three (3) members shall serve a one-year term and four (4) members shall serve a two-(2) year term. Each succeeding term shall be for two (2) years. Any member is eligible for reappointment at the end of his/her term. (Ord. 207, 3-18-1997)

5-1B-4: PERMIT REQUIREMENTS:

- A. Permit Required; Application: No person, firm or corporation will keep, stable or maintain equines within the city on parcels of land less than five (5) acres without obtaining an application for a permit from the city. Each application shall include a sketch drawing as stated in Section 5-1B-6 of this article. The Equestrian Council will review such application and shall make final determination (approval or denial) of the permit.
- B. Inspection; Duration Of Permit: The Equestrian Council shall inspect the

premises to assure compliance with the standards and regulations of this article prior to a permit being issued. The permit (if issued) will be of indefinite duration, but is subject to revocation.

C. Revocation Of Permit:

1. Request For Revocation: All requests by residents or staff seeking revocation of a permit for equines shall be made in writing to the City Clerk. The City Clerk shall refer the request to the Planning and Zoning Department.

2. Hearing: A staff report will be prepared and discussed at a City Council meeting within thirty (30) days from which the written request was received. All property owners and occupants within three hundred fifty feet (350') of the property in question will be notified by mail at least ten (10) days prior to the City Council meeting. Failure of any property owner or occupant to receive such public hearing notice shall not invalidate such proceedings.

3. Decisions By City Council: At such public hearing, the City Council shall determine whether revocation of the permit for equines is warranted and shall issue written findings of fact, conclusions of law and order pertinent to revocation. The findings of fact, conclusions of law, and an order shall be filed with the City Clerk and shall be mailed to all interested parties appearing or represented at said hearing. (Ord. 207, 3-18-1997)

5-1B-5: **MINIMUM ACREAGE:**

- A. The following chart prescribes the number of equines that can be maintained on residentially zoned parcels of land as shown:

<u>Acreage</u>	<u>Number Of Equines Permitted</u>
Less than 2.5 acres	0 equines (none permitted)
2.5 acres but less than 3 acres	1 to 3 equines
3 acres but less than 3.5 acres	1 to 4 equines
3.5 acres but less than 4 acres	1 to 5 equines
4 acres but less than 4.5 acres	1 to 6 equines
4.5 acres but less than 5 acres	1 to 7 equines

5 acres or more
(Ord. 207, 3-18-1997)

No more than 3 equines per acre

- B. Any foal is not considered to be a permanent part of the equine count and does not affect the number of equines permitted as established in the chart above. (Ord. 207, 3-18-1997; amd. 2003 Code)

5-1B-6: **SKETCH DRAWING:** Prior to maintaining and boarding an equine on any parcel of land between two and one-half (2 1/2) and five (5) acres, the property owner shall provide a sketch drawing to the Planning and Zoning Department. The required sketch drawing information shall include the following:

- A. Name and address of the fee owner of the subject property where the equines are to be maintained and the name and address of occupant of subject property.
- B. Legal description of subject property.
- C. Acreage of subject property and area enclosed by corral and/or fence.
- D. The number of equines to be maintained on subject property.
- E. Sketch drawing showing, to scale:
 - 1. Location of all buildings on subject property;
 - 2. Location and area of said fence or corral on subject property;
 - 3. Location and distance from subject property of all adjacent properties' buildings; and
 - 4. Area on subject property where manure will be stored. (Ord. 207, 3-18-1997)

5-1B-7: **SITE AND STRUCTURE REQUIREMENTS:**

- A. Fences And Corrals: On parcels of land maintaining equines, there shall be thereon a secure fence or corral enclosing at least eight hundred (800) square feet of land per equine. Said fence or corral shall be located no closer than fifty feet (50') from any residence and shall be of sufficient height and strength to retain such equines; fencing materials and type to be approved by the Equestrian Council¹.

¹ See title 12, chapter 7 of this code for fence requirements and restrictions.

- B. Shelter Requirements: On parcels of land maintaining equines, there shall be a shelter or covered structure to protect the equines from the elements of weather. Said shelter or structure shall have a minimum roof size and living area of eighty (80) square feet per equine to protect the equine from direct rays of the sun when temperatures exceed ninety-five degrees Fahrenheit (95°F), be structurally sound, free of injurious matter, maintained in good repair and ventilated. Said structure shall be no closer than one hundred feet (100') from the habitable portion of any dwelling and fifty feet (50') from abutting property lines ¹. The separation between the shelter or structure and a well shall be as established by state health codes.
- C. Use In Yards: No equines shall be maintained, except in the rear yard, for parcels of land three (3) acres or less, without review by the Equestrian Council and approval by the City Council.
- D. Manure Management; Insect And Rodent Control:
1. Manure:
 - a. Manure shall be handled or treated in such a manner so as not to create a public nuisance and shall be conducted in the rear yard only. Accumulations of manure shall not be allowed in the front and side yards.
 - b. Accumulations of equine manure on any public right-of-way, sidewalk or alley shall not be permitted, and the equine owner shall be responsible to abate such nuisances.
 2. Maintenance Of Enclosures: Corrals, pens, stables or similar enclosures shall be maintained in a manner to minimize fly breeding and rodent infestation. (Ord. 207, 3-18-1997)

5-1B-8: **CARE AND MAINTENANCE OF EQUINES:** Proper care and maintenance of each equine shall be the responsibility of the person, firm or corporation designated as the owner, caretaker or custodian of such equine. No equine shall be treated cruelly or inhumanely by any person or in violation of state law. (Ord. 207, 3-18-1997)

5-1B-9: **CONTROL, TRESPASS AND PUBLIC RIGHTS OF WAY:**

A. Running At Large Prohibited; Impoundment And Redemption:

1. Running At Large Prohibited: No person shall permit any equine to run at large within the city when it is off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the

¹ See also subsection 12-14-21E of this code.

owner.

2. Authority To Impound; Notice: The City Administrator or his/her designee may impound any equine found at large and shall provide proper sustenance for any impounded equine. The City Administrator or her/her designee shall, within twenty-four (24) hours after such equine has been impounded, post written notice at City Hall describing such equine and stating that it has been impounded. Notification shall be given to the Equestrian Council.

3. Redemption Of Impounded Equine; Costs: Costs incurred by the city for impounding an equine shall be paid by the equine owner to the city prior to releasing the equine. An impounded equine shall be released only to a person providing proof of ownership and displaying a receipt from the City Clerk showing payment of the reasonable costs of impounding, housing, feeding, and veterinarian care.

4. Unredeemed Animals; Additional Notice; Sale: In the event an equine impounded by the city is not redeemed within fourteen (14) calendar days, the City Administrator or his/her designee shall give an additional three (3) days' notice of the time and place where such equine will be sold by posting notice at City Hall. If such equine cannot be sold on the day stated, it may be sold as soon as possible thereafter without notice. The proceeds from such sale shall be deposited in the city's general fund.

- B. Riding After Dark: No person may ride or drive an equine after the hour of sunset and before the hour of sunrise along or crossing any public right-of-way without appropriate lighting or reflectorized clothing.
- C. Riding On Public Property: No person shall ride or drive an equine in any public park, beach, school yard or public property except within the right-of-way of public streets and highways and in such areas duly designated as a trailway or hitching area.
- D. Riding On Private Property: No person shall ride or drive any equine upon private property without the prior permission of the owner or occupant thereof.
- E. Interference Prohibited: No person shall interfere with any equine being ridden, driven or kept in a lawful manner. (Ord. 207, 3-18-1997)

5-1B-10: **TIME LIMIT FOR COMPLIANCE:** The City Administrator or his/her duly appointed official may inspect the property nine (9) months after the permit

was granted and approved to determine that the property is in compliance with the provisions of this article. If attempts have not been made to comply with the provisions of this article one year after the permit was issued, the permit will be declared null and void. (Ord. 207, 3-18-1997)

5-1B-11: **VARIANCES:** Variances from the provisions of this article shall be processed and granted or denied in the same manner and based on the same criteria as stated in the zoning ordinance¹. (Ord. 207, 3-18-1997; amd. 2003 Code)

5-1B-12: **CONTINUANCE OF EXISTING USE:** Any use or structure constructed prior to May 7, 1991, for the purpose of sheltering equines may be continued at the size and in the manner of operation. (Ord. 207, 3-18-1997)

¹ See section 12-15-7 of this code.